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THE NEW ZEALAND ENSIGN

by
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THE NEW ZEALAND ENSIGN

BY STATUTE, as well as by tradition, the blue ensign with the Southern Cross is New Zealand's national flag. It is a maritime flag, first used (without the Southern Cross) by the Royal Navy, and then by vessels of the Colonial Government with the colony's badge in the fly.¹ The blue ensign has flown over New Zealand's ships for almost 100 years. For a maritime country it was a happy choice.

It was a maritime problem which first led to the adoption of a New Zealand flag. In November 1830 the barque *Sir George Murray*, a vessel of 392 tons built at Hokianga, was seized at Sydney on her first voyage by His Majesty's Customs 'for a breach of the Navigation Laws, in sailing without a Register.'² New Zealand was not then a British colony, and New Zealand built ships were not permitted to carry the British ensign; nor could they sail under British register unless they were 'wholly built' in a British dominion or colony.³

The *Sir George Murray* was named after the British Secretary of State for the Colonies, but the compliment availed her nothing. She was seized immediately on her arrival from New Zealand and detained in Neutral Bay; her cargo of timber and flax was landed and on 20 January 1831 she was sold at auction. On board her at the time she was impounded was the principal chief of the district where she was built. The Maoris were later reported to have been 'exceedingly indignant' over the whole affair.

The seizure and detention of this 'fine new ship' aroused sympathy in New South Wales and indignation at the restrictions imposed by the British navigation laws. An Act should be passed to remove 'so pernicious an obstruction to the rising intercourse between New Zealand and Port Jackson,' said the *Australian*. 'The best and only

¹The fly, the part of a flag which flies loose in the wind, is the name for the length of a flag from the point of suspension to the extremity; it also means the forepart of a flag, the part farthest from the staff.

²The *Australian*, 'A Commercial, Political, and Literary Journal', published weekly: leading article on 26 November 1830. A register is an official certificate containing particulars of the construction, materials, size, ownership, rig, etc., of a vessel, used as proof of its nationality.

³The Rev. William Yate, a missionary of the Church Missionary Society, referring to two 'most excellent' vessels built on the Hokianga River, says: 'These vessels were however liable, at any time, to seizure; as they were not allowed to carry the British ensign, nor could have a British register; and there was then no acknowledged flag of the nation.' — *An Account of New Zealand; and of the Formation and Progress of the Church Missionary Society's Mission in the Northern Island*; Seeley and Burnside, London (1835), p. 29.

course to preserve the ship and cargo from rotting uselessly . . . [while an answer was obtained from the Board of Customs in England] will be the giving to the Sir Geo. Murray a trading leisure' . . . , the leading article continued. 'New Zealand is the natural Dock Yard of New South Wales.'

The *Sir George Murray* sailed from Sydney at the end of March 1831, her new owner 'risking the want of a register'. In August, on her return from New Zealand, she was granted a temporary licence by the Collector of Customs at Sydney to trade across the Tasman.

The first official step to regularise the status of New Zealand built ships was not taken until nearly two years later. On 13 May 1833, a week after his arrival in New Zealand, the British Resident, Mr James Busby, wrote to the Colonial Secretary in New South Wales suggesting that a national flag should be adopted for New Zealand. While waiting in Sydney for passage across the Tasman, he had been approached by the proprietor of the schooner *New Zealander*, also built at Hokianga, to inquire whether a register could be obtained for his vessel.² Busby reported the Maoris' indignation at the seizure of the *Sir George Murray* and said that they were 'now perfectly aware' of the nature of a register. He thought it desirable 'that the Chiefs of New Zealand should be acknowledged in any transactions which might be considered of an international character in their collective capacity only. . . .' Busby considered that the surest method of bringing the tribes together was to discover a case in which such a union would prove to their advantage, 'and to give it the appearance of originating with themselves. Such a case it appears to me would arise out of the adoption of a National Flag.'³

Busby's dispatch was placed before the Executive Council in New South Wales, which, meeting on 7 September 1833, 'fully concurred in the expediency' of his suggestions. The Council recorded its opinion that 'after the adoption and approval of this Flag the Register of Vessels built on the Island to be granted by the Chiefs and certified by the British Resident should be considered as valid Instruments and respected as such in their intercourse with the British Possessions'.

The Council's approval was conveyed to Busby on 9 November by the Colonial Secretary, who also advised that 'a Flag for the purpose has been prepared here' and was being forwarded. It was to be delivered at a meeting of the chiefs 'with as much form and ceremony

¹A licence; a permit to trade.

²The *New Zealander*, a brigantine-rigged ship of 140 tons, 'sailed the seas for five years without a national flag and register . . . until New Zealand obtained the National Ensign in 1834.' - James Laurenson, unpublished Mss. in Alexander Turnbull Library. She operated under a trading licence issued by the Collector of Customs, Sydney.

³The source for these and later quotations from Busby's dispatches is the Commonwealth National Library microfilm (No. 988) of the original correspondence on the files of the Colonial Office, now held by the Public Record Office, London. The reference is C.O. 209/1, New Zealand 1830-35, Vol. 1 - copy held by National Archives.

as may be considered appropriate', and afterwards conveyed to England and laid 'at the feet of the King'.

But the Governor of New South Wales (Major-General Richard Bourke) was obviously taking too much for granted. The flag he had sent to New Zealand was unsuitable, and neither Busby nor the missionaries was prepared to submit it to the chiefs.¹ The chief criticism of the flag was that it contained no red: '... a colour to which the New Zealanders are particularly partial, and which they are accustomed to consider as indicative of rank,' Busby wrote to the Colonial Secretary on 13 January 1834. 'They would consider themselves slighted by its being proposed to them.'

Busby advanced three reasons for not assembling the chiefs – his house wasn't finished, the missionaries didn't want their work interrupted, and there was no food to spare for the entertainment of the chiefs and their followers – and he sought the help of the Rev. Henry Williams, senior missionary in New Zealand of the Church Missionary Society, in designing an alternative flag. Williams, formerly a lieutenant in the Royal Navy, produced designs for three flags. Busby, with suitable expressions of deference, enclosed these with his letter.

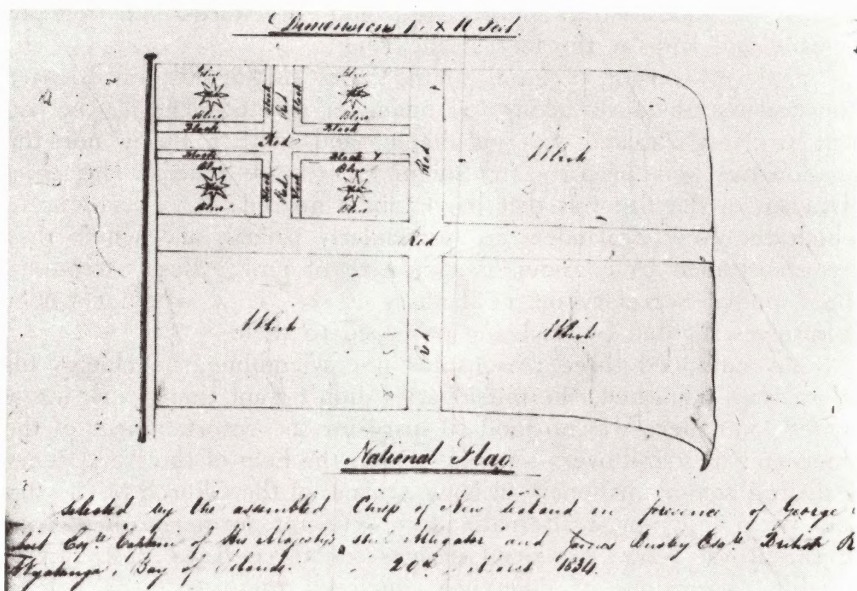
Governor Bourke's reply was prompt and generous. On 22 February the Colonial Secretary wrote from Sydney: '... I am directed by His Excellency the Governor to inform you that a flag of each pattern referred to has been prepared and forwarded to you in charge of Captain Lambert,' commander of HMS *Alligator*. 'I have further the Honour to acquaint you that His Excellency approves of your including in your contingent account the expenses of providing food for the chiefs and their followers when assembled for the purpose above mentioned.'

Maori Chiefs choose a Flag

On 20 March 1834 the officers of HMS *Alligator*, the commanders of 10 British and three American vessels then in the harbour, a number of missionaries, the 'respectable' settlers (the adjective is Busby's), 25 chiefs and 'a considerable body' of their followers assembled in front of the Resident's house at Waitangi to witness the choosing of a flag by the chiefs.² A large awning, decorated with flags, was erected by the Navy, and in front of it a bare flagstaff awaited the hoisting of New Zealand's first flag.

¹It comprised four blue horizontal bands on a white field, with the Union Jack in the top left quarter.

²The 25 chiefs represented tribes from North Auckland only, and the opinions of tribes from other parts of New Zealand on the choice of a flag were not sought. A witness giving evidence before a Select Committee of the House of Lords, 'appointed to inquire into the Present State of the Islands of New Zealand and the Expediency of Regulating the Settlement of British Subjects therein', referred to the flag as 'the Bay of Islands Flag'. – Report of the Select Committee, August 1838, p. 129.



National Archives

National Flag

Selected by the assembled Chiefs of New Zealand in presence of George Robert Esq^{re} Captain of His Majesty's Ship Alligator and James Busby Esq^{re} British Res[ident] Wyatanga, Bay of Islands. 20th of March 1834.

The top of the page has been cut off in microfilming.

See page 7 (opposite)

The Honorable
The Colonial Secretary
of New South Wales—

No. 38

New Zealand
Bay of Islands 22 March 1834.

Sir,

I have the honor to acknowledge the receipt on the 10th current of your dispatch of the 22nd ultimo No. 34/1, informing me that His Excellency the Governor of New South Wales had been pleased to transmit three flags according to the patterns enclosed in my letter of the 13th January last in charge of Captain Lambert of His Majesty's Ship Alligator, and requiring me with as little delay as possible to assemble the Native Chiefs in order that they might make choice of one of these as a National Flag. Captain Lambert having been requested. . . .

The Honorable
The Colonial Secretary
of New South Wales -

New Zealand

MSB 1 Bay of Islands 22 March 1834.

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the pattern enclosed in my letter of
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Captain Lambert of the *Chelyabinsk*
Ship Allegation and requiring me
with as little delay as possible to
present the Native Chiefs in order
that they might make choice of
one of these as a National Flag.
Captain Lambert having been
requested to

National Archives

THE FIRST PAGE OF BUSBY'S LETTER OF 22 MARCH 1834

The three flags from which the chiefs were to make their choice were 'exhibited' on short poles erected in front of the awning. The proceedings began with an address by the Resident:

'My Friends,

The King of Great Britain has acknowledged you as his Friends by sending me to reside at New Zealand as his Resident. And He wishes His subjects to trade with you, and that they should be just and friendly to you and you to them. But for the Ships built at New Zealand to trade there is no Flag, and Ships having no Flag will be seized. It is desirable therefore that the Chiefs should choose a Flag for New Zealand and the Ships built there may then be permitted to Trade to the Harbours of the King of Great Britain. This is what I wrote on behalf of the Chiefs of New Zealand, and in answer to my representation the Capt. of one [of] King William's Ships of War has brought three Flags.

'I have therefore assembled the Chiefs that they may choose which Flag will be the Flag of New Zealand. The choice must be made by the principal chiefs only. Some of them may desire one Flag some another Flag – let every Chief judge for himself which is best – but the Flag which is chosen by the greatest number will be the National Flag of New Zealand – no other than it will be acknowledged.

'When the Flag is chosen the Capt. of the Ship of War will convey it to Great Britain to lay it at the foot of the King, and should it meet the King's approbation the Ships which bear this Flag will not be seized but will be received into the Harbour[s] of King William to Trade.

'Let the Chiefs and People of New Zealand judge from this how much the King of Great Britain is their Friend and let them be kind to his subjects.'

At the end of his address Busby called over the names of the chiefs, and as they answered they were requested 'to proceed within the bar' which had been placed across the awning. They were then asked, one by one, which flag they chose; their votes were recorded by a son of one of the chiefs. Twelve preferred the flag already used by the Church Missionary Society at the Bay of Islands.¹ It was a large flag, 16 ft by 10 ft, with the red cross of St. George on a white ground (the original flag of England), and with a smaller St. George's Cross in red on a blue field in the upper quarter next to the staff. The smaller cross had a black border, a 'fimbriation', to use the correct term,

¹It had been used for some years as the flag of a small mission vessel, the *Herald*, built by the missionaries. Busby first thought, when sending the design to New South Wales, that the missionaries' flag 'might be considered, on a distant view, to resemble too much the Union Jack of Great Britain'.

'half the width of the red', and in the centre of each blue quarter there was a white eight-pointed star.'

The chosen flag was then declared to be the national flag of New Zealand. It was hoisted to the head of the flagstaff and given a salute of 21 guns by HMS *Alligator*.²

This flag, as Busby had promised the chiefs, received the approval of King William IV and the blessing of the Lords Commissioners of the Admiralty.³ A drawing of the flag was sent by the Admiralty to the Admiral commanding the East Indian station, 'with directions to him to give such orders to the Captains and Commanders of His Majesty's Ships and Vessels employed under his orders, as he may deem necessary, for giving effect to the wishes of His Majesty's Government'.

A description of the flag was published in the *New South Wales Gazette* of 19 August 1835. Unfortunately the notice omits any reference to the fimbriation outlining the smaller St. George's Cross or to the number of points on the stars. The notice reads:

Colonial Secretary's Office,
Sydney, 17 August, 1835

NEW ZEALAND

'His Excellency the Governor is pleased to direct that a Despatch has recently been received from the Right Honourable the Secretary

¹Some writers have claimed that the four stars represented the Southern Cross. James Laurenson, an industrious and painstaking researcher, does not accept this: 'A lot has been written that our early New Zealand flag had the Southern Cross Stars. That is wrong. They were the stars of England, heraldic and religious stars, and each point has a deep meaning'. – Letter dated 25 July 1940 (rough copy – punctuation has been added).

²The original flag flown at Waitangi cannot now be traced. Busby returned it to New South Wales in the charge of Captain Lambert ('as well as the two others which accompanied it and the one previously sent'), presumably so that it could be laid at the feet of the King. A drawing of the flag was also sent to England by General Bourke: it is reproduced on p. 6. This diagram shows that the smaller St. George's Cross had a black fimbriation and that the stars were eight-pointed. At some stage the original broad black fimbriation was replaced by a narrower white border, as shown in the illustration facing p. 16 (fig. 1), which was copied from a plate in an Admiralty flag book of 1845. In this illustration the stars have eight points. On the other hand, the stars in the New Zealand flag in Pompallier House, Russell, and in the flag reproduced in Yate's book (fig. 2) have six points; both flags have a white fimbriation round the smaller cross. A later flag with five-pointed stars and a white fimbriation has also been traced.

A correspondent from Sydney with the *nom de plume* 'Flinders Barr', in a letter to the editor of the *Dominion* published on 9 April 1934, gives the reason for the use of the white fimbriation: 'As, in heraldry, no colour, or as it is termed, tincture, may be placed upon another colour, unless the two are separated by a narrow strip of one of the two heraldic metals, gold or yellow, and silver or white, the small red St. George's Cross on the blue field, to be heraldically correct, had to be surrounded by a narrow white border, to prevent the red and blue touching each other.'

³The Rev. William Yate says: 'A flag has, however, been presented by the British Government . . . and accepted by the natives; so that now any vessel bearing a register from a Native Chief, countersigned by the British Resident at New Zealand, and hoisting the National Standard, will be allowed to trade to all His Majesty's ports; and will be everywhere acknowledged and protected by the flag of England'.

of State for the Colonies conveying His Majesty's approbation of an arrangement made by this Government for complying with the wishes of the chiefs of New Zealand to adopt a national flag in their collective capacity and also of the Register of Vessels built in that country, granted by the Chiefs and certified by the British Resident, being considered as valid instruments and respected as such in the intercourse which those vessels may hold with the British Possessions.

'The following is a description of the Flag which has been adopted:—

A red St. George's cross on a white ground. In the first quarter, a red St. George's cross on a blue ground, pierced with four white stars.

By His Excellency's Command,
Alexander McLeay.'

Busby's prophecy that the adoption of a national flag might be the means of uniting the tribes of the northern part of New Zealand proved correct. On 28 October 1835, assembled again at Waitangi, the hereditary chiefs and heads of tribes 'of the Northern Parts of New Zealand' declared 'the Independence of our Country, which is hereby constituted and declared to be an Independent State, under the designation of "The United Tribes of New Zealand"'. The chiefs agreed to meet in congress at Waitangi in the autumn of each year; and they invited the southern tribes to join the confederation.

Thirty-five chiefs and heads of tribes, 'forming a fair representation of the Tribes of New Zealand from the North Cape to the Latitude of the River Thames', appended their signatures or marks to this document and requested Busby to transmit it to the King, whom they entreated to remain 'the parent of their infant state, and its protector from all attempts upon its independence.'¹ They thanked the King for his acknowledgment of their flag.

This flag came to be known as the 'Flag of the United Tribes of New Zealand'. It was recognised as the national flag until 1840, when New Zealand became a British colony.

Possibly the description of the New Zealand flag in the *New South Wales Gazette* of August 1835 was used on board the *Tory* four years later when Colonel William Wakefield had a flag made during the voyage from England. This flag, which was hoisted by the Colonel when the *Tory* arrived off Petone beach on 30 September 1839,² has no border round the smaller St. George's Cross and its stars, obviously hand-made, have six points.³ It measures 6 ft by 4 ft.

¹This declaration of independence was Busby's answer to rumours of French annexation and to de Thierry's claim to sovereignty.

²She actually arrived in Wellington Harbour 10 days before.

³This flag has been in the possession of Mr A. H. R. Gillespie, of Dannevirke, for many years. The photograph following p. 16 (fig. 3) was taken by him and is reproduced with his permission. The same flag was adopted, probably in 1858, by the Shaw Savill and Albion Company as its house flag (fig. 4).

The flag was hoisted at Petone on the afternoon of 30 September in a scene of high holiday. Colonel Wakefield recorded the occasion in his diary:

'In every direction on the beach, the native ovens threw up clouds of smoke and an immense flag-staff was reared with the assistance of our Carpenter, on which to hoist the colours of New Zealand, which I intend to leave here. . . . Immediately on landing, I had the New Zealand flag hoisted at the flag-staff-head when the same was done at the main of the ship, which saluted it with 21 Guns, greatly to the satisfaction of the assembly.'

Formal possession was taken of the harbour and district in the name of the New Zealand Company, 'amidst the hearty cheers of our party and the assembled natives. The whole scene passed in the greatest harmony. . . .'

Four months later, on 6 February 1840, the Union Jack became New Zealand's national flag.² By the Treaty of Waitangi, drafted by Busby and translated into Maori by the Rev. Henry Williams, sovereignty was ceded to Queen Victoria, who in return extended her royal protection and granted to the Maoris 'all the rights and privileges of British subjects'. On 21 May 1840 Captain William Hobson, Lieutenant-Governor of New Zealand, proclaimed the full sovereignty of the Queen over all three islands.³ New Zealand remained a dependency of New South Wales until 3 May 1841, when it was created a separate colony by letters patent dated 16 November 1840.

Meanwhile, in Wellington the New Zealand Company's settlers had elected a council, made laws, and appointed magistrates. Hobson fumed that 'the proceedings of the [New Zealand] Association at Port Nicholson amount to High Treason' and dispatched an armed party south under the acting Colonial Secretary, Lieutenant Willoughby Shortland, 'in whose firmness and discretion I have the utmost reliance', to proclaim the sovereign rights of Her Majesty. Edward Jerningham Wakefield records with some sarcasm⁴ the

¹*Diary of Colonel William Wakefield, 1839-1842*. Typescript in Alexander Turnbull Library, pp. 57-8.

²The Union Jack is more correctly called the Union Flag. It derived the name Jack from the jack-staff at the bow of a ship from which the flag is usually flown at sea.

³Laurenson says that he searched for 'the old National Flag hauled down for ever 6th February 1840 at Waitangi . . . for more than ten years and I am afraid it is lost for ever'. The Maori chief Tuhawaiki flew the flag on Ruapuke Island, 14 miles south-east of Bluff, until his death in 1844. Bishop Selwyn, on a visit to 'the southern extremities of his diocese' in January 1844, made part of his journey on Tuhawaiki's schooner, the *Perseverance*, and found it 'very creditable to the Native Flag of New Zealand'. James Cowan records the flying of the national flag at Pukawa in 1857 at a meeting of Maori tribes to select a chief to be the first Maori king; but the flag described in the *Southern Cross's* account of the ceremony at Rangiriri on 10 May 1857 to choose a king had a red border in addition to the two red crosses, and on it the words 'Potatau, King of New Zealand'. Potatau Te Wherowhero was formally elected in June 1858.

⁴E. J. Wakefield, *Adventure in New Zealand*, an abridgement edited by Joan Stevens; Whitcombe and Tombs Ltd. (1955), pp. 125-6.

lowering of the New Zealand flag at Petone on 3 June 1840. A single constable performed the task, 'very early, almost before anybody was up'.

'As he strode up to the flag-staff near Colonel Wakefield's house, on which a rather ragged New Zealand flag was hung, he threw disdainful and yet cautious glances around him. When he saw that there were only two or three people in their night-caps peeping from their doors and windows to know who had been boating so early on such a cold morning, he plucked up spirits, and seemed to reflect that he had to represent the dignity of the British Crown. His funny little head arranged itself quite straight in a most appropriate military stock; his ungainly figure and gait became almost martial; he frowned sternly, as though to awe the rebels; and advanced straight upon the flag-staff with as much resolution as though he had been taking Ciudad Rodrigo by storm. He had some little trouble in undoing the string, and it would not run very freely through the hole at the top of the staff; but at length he accomplished his gallant undertaking, and proceeded with a flourish to extend the sovereignty of England over the flags which adorned the snoring grog-shops along the beach.

'It was not until the 4th of June that Lieutenant Shortland disembarked at Thorndon, to hoist the Union Jack and read the proclamations of the sovereignty of the Queen of England over New Zealand. A large assemblage of the colonists, including Colonel Wakefield and most of the members of the much-dreaded Council, joined in the proceedings in the most loyal manner, and expressed to Lieutenant Shortland their pleasure at the event.'

Government Ships Fly the Blue Ensign

In December 1865 the British Government issued instructions to all colonies, following the passing of the Colonial Naval Defence Act, 1865, 'that all vessels belonging to, or permanently in the service of the colonies' should wear 'the blue ensign, with the seal or badge of the colony in the fly'. Ships commissioned as vessels of war were also to wear a blue pennant as well as the ensign. As New Zealand did not then have a recognised badge, its vessels flew the blue ensign without distinguishing marks.

A year later the commander of HMS *Challenger* ordered the master of the Government steamer *St. Kilda*, then at anchor in Wellington Harbour, to take down the blue ensign. An officer from the *Challenger* boarded the *St. Kilda* and asked to see the Admiralty warrant for flying the ensign; this could not be produced. A few weeks later, on 12 December 1866, the Government paddle steamer *Sturt* was similarly rebuked by the *Challenger* at Auckland. The master of the

Sturt produced an authority signed by the Prime Minister, E. W. Stafford, permitting him 'to hoist and wear the Blue Ensign' and refused to pull it down. One of the boarding party then hauled down the flag and laid it on the deck. 'We can fly the red ensign,' the master reported succinctly.

But steps were already being taken by the Government to regularise the use of the blue ensign, although there was apparently some doubt as to what constituted the 'seal or badge' of the Colony. The Secretary of the General Post Office at Wellington was consulted by the Marine Department and asked for permission to get 'the said seal' inserted in the fly of the blue ensign belonging to the *St. Kilda*. The Secretary, Mr G. Elliott Elliott, thought the seal too elaborate to work on the ensign, and recommended instead that four stars, 'to represent the "Southern Cross"', be adopted as the badge.

The suggestion was a good one, but it was rejected by the Postmaster-General: the Southern Cross was not the exclusive property of the Colony, he said. He suggested instead the words 'New Zealand'; and on 6 December the Prime Minister concurred. It was then found that the full name of the Colony could not conveniently be worked on the fly of the ensign, and on 16 December the Postmaster-General suggested that 'the letters NZ – in red on a white ground – had better be adopted'.

On 10 January 1867 a warrant signed by the Governor, Sir George Grey, in office for the second time, directed by notice in the *New Zealand Gazette* that all vessels belonging to or permanently in the service of the colony, but not commissioned as vessels of war, should wear the blue ensign with the letters N.Z. in red in the fly. The instructions as to the size of these letters were full and specific: '... each letter to extend over an area of not less than eight inches high by eight inches broad, and to have its lines not less than two inches broad, and surrounded by a margin of white not less than one inch in breadth, thus making the letters ten inches high over all, and four inches broad in the lines over all.' These dimensions were for a 10 ft ensign, and were to vary in proportion with the dimensions of a larger or smaller flag.

The badge was no doubt designed to be easily visible at sea but the design could hardly be said to be attractive.¹ It was later described as a temporary measure, although Sir George Grey's original proclamation made no reference to that fact; and it was not until nearly three years later that it was deemed 'expedient to adopt a permanent device'. This was done by proclamation in the *New Zealand Gazette* of 23 October 1869, by which the Governor, Sir George Bowen, thereby appointed that 'the seal or badge in future to be worn, in accordance with the Queen's Regulations, as the distinctive badge

¹See illustration following p. 16 (fig. 5).

of the Colony, by all vessels belonging to or permanently employed in the service of the Colonial Government of New Zealand, shall be the Southern Cross, as represented in the Blue Ensign by four five-pointed red stars in the fly, with white borders to correspond to the colouring of the Jack; in the Jack by four five-pointed white stars on the red ground of the St. George's Cross;¹ and in the Pendant by four stars near the staff similar to those in the Ensign.'² The Governor further ordered 'that the temporary badge, consisting of the letters N.Z., at present in use in Colonial vessels, shall from and after this date be discontinued.'

The four stars were intended as a conventional representation of the Southern Cross, but, as the lithographs show, their arrangement on the ensign, pendant, and jack was far from uniform. The position of each individual star also had some meaning for the crews of the ships which sailed under the New Zealand flag: one point of each star was to be uppermost; if two points were of equal height, bad luck was sure to follow. 'If the flag maker knows his job the single point is elevated and represents all that is good,' wrote James Laurenson, himself a former seaman; 'if two points are elevated in our five-pointed star that represents all that is evil.'³

The blue ensign, with the Union Jack in the first quarter and the Southern Cross in the fly, came to be recognised as New Zealand's national flag. Officially it was a maritime flag, to be flown only by Government vessels; it was not permitted to be flown over forts and other military installations on land, which usually flew the Union Jack. It was not always accepted without criticism, and from time to time there was some agitation that New Zealand should revert to the flag of 1834. A leaflet issued about 1884 reproduces the flag from William Yate's book (fig. 2) and quotes the text which appears in the footnote on p. 9. It continues: 'At the present moment on the Forts and Vessels in New Zealand the Blue Ensign of Victoria floats. Why should not the New Zealand Flag, as depicted above, continue to be the recognised Flag of the Colony?'⁴

While Government vessels flew the blue ensign with the badge of the colony, merchant ships continued to fly the red ensign 'without any defacement or modification'. The British Merchant Shipping (Colours) Act of 1889 had declared the red ensign, unadorned, to

¹The flag then used by the Governor.

²See lithographs following p. 16 (figs. 6-8). At the same time the Australian State of Victoria also selected the Southern Cross as its badge but represented it by five white stars. Later a Tudor Crown was added above the stars in the Victorian flag.

³The four (or five) stars of the Southern Cross are named after the first letters of the Greek alphabet, *Alpha Crucis*, *Beta Crucis*, etc.

⁴A similar suggestion was made after the introduction of the white disc (see p. 15) in 1900. 'Suggestions were made to revert to the flag of 1834 or to adopt a White Ensign with three stars in the vacant corners to represent the three islands of the Colony.' - W. G. Ball, unpublished Mss. in Alexander Turnbull Library.

be 'the proper national colours for all ships and boats belonging to any subject of Her Majesty'.¹ Merchant vessels registered in one of Her Majesty's colonies were permitted at the same time, under an amendment to Colonial Regulations, to carry a separate distinguishing flag 'with the badge of the colony thereon', in addition to the red ensign.

In December 1887 the British Board of Trade appointed a committee to revise the International Code of Signals. This task involved the preparation of an entirely new signal book and took almost 10 years to complete; the committee's final report was not received in New Zealand until March 1898. To distinguish colonial merchant ships the Board of Trade proposed the inclusion of a white disc in the fly of the red ensign, with the badge of the colony inside this circle. The Nautical Adviser to the New Zealand Marine Department recommended that a similar white disc should also be added to the blue ensign. The New Zealand Government agreed, and suggested in its dispatch to the Colonial Office that on both the blue and the red ensigns the four red stars of the Southern Cross 'should in future be placed in a white circle'.² Admiralty approved these changes on 7 February 1899 and issued a warrant, subsequently published in the *New Zealand Gazette* of 23 November 1899, authorising merchant vessels registered in New Zealand to wear the badge of the colony on the red ensign.

The flag with the white disc (fig. 9), introduced on 1 January 1900, was a signal flag, intended for use at sea or in foreign ports, but unhappily its use spread on shore. Flags with the disc were flown from public buildings and were sometimes used by commercial houses for advertising purposes. 'I think it should be clearly understood,' wrote the Hon. William Hall-Jones, in the dual capacity of Minister for Public Works and Minister of Marine, to the Hon. Joseph Ward, Colonial Secretary, on 27 July 1900, 'that the New Zealand Flag is that which has been used for so many years (without the disc) and that the Blue and Red Ensign with the white disc are simply signal flags used to indicate that the vessel is a Colonial one. If you concur in this kindly instruct officers in charge of Public Buildings accordingly.'³

In the usual manner of such things, questions were asked in the House. 'By whose authority and for what reason' had the New Zealand blue ensign 'been altered by the insertion of a white disc in the blue field?' the Prime Minister, the Right Hon. R. J. Seddon, was asked on 6 July 1900. The Prime Minister replied with some scorn – and was reminded by the Speaker of his duty to set an example, as leader

¹Exceptions were made in the case of Her Majesty's ships and for other vessels authorised by Admiralty or royal warrant to wear other national colours.

²The Earl of Ranfurly to the Secretary of State for the Colonies, dispatch dated 5 July 1898. – *Appendix to Journals, House of Representatives*, 1899, Vol. I, A. 1, p. 7.

³A memorandum in similar terms was sent to the Secretary of the Marine Department on the same day and transmitted to the masters of the Government steamers.

of the House, by refraining from making unparliamentary reflections upon the actions of other members – that the change had been caused by the British Board of Trade, and that the Government had agreed to fall into line with what had been done by the other colonies. Commercial houses, he said, ‘were commencing to injure our flag – insult it, as it were – by using it for advertising purposes . . . he would pass an Act making it illegal for the flag to be used for any such purposes.’

At this time New Zealand contingents were fighting in South Africa. Patriotism made members eloquent, and in the cities and towns of New Zealand flags were flown from office buildings and private homes and paraded in the streets. But in the minds of the people there was apparently still some uncertainty as to what really was New Zealand’s national flag; and Mr Seddon was determined to make known ‘as publicly as possible’ a description of it.

The New Zealand Ensign Act, 1900

The New Zealand Ensign Bill, to give it its short title,¹ was introduced on Friday, 13 July 1900. It had its second and third reading on 19 September 1900. The white disc on the Board of Trade’s signalling flag was called some strong names, not the least of them by the Prime Minister himself, and at the end of the debate, ‘The Bill having passed, the members present, led by the Premier, gave three hearty cheers, and saluted the flag.’ The House adjourned ‘at three minutes to two o’clock a.m.’ on 20 September 1900.

In its passage through the House the Bill acquired a preamble, giving (in Seddon’s words) ‘the history of the flag up to the present time, and showing the necessity there was for Parliament passing an Act, and making it understandable to future generations why we deemed it desirable at this stage of our history to pass this legislation’. The preamble was drafted during the dinner adjournment by the member who had suggested it. It read:

‘Whereas, by Proclamation under the hand of His Excellency the Governor, dated the 23rd day of October, 1869, it was declared, in accordance with the Queen’s Regulations made under the provisions of an Act of the Imperial Parliament entitled “The Colonial Defence Act, 1865,” that the flag hereinafter described should have the distinctive seal or badge of the Colony of New Zealand for all vessels belonging to or permanently employed in the service of the colony: And whereas the said flag has since been in general use for the purpose aforesaid, and also as the recognised ensign of the colony: And whereas it is desirable that the same flag should be by law established as the ensign of the colony for all purposes.’

¹It was originally the New Zealand Ensign and Code Signals Bill.

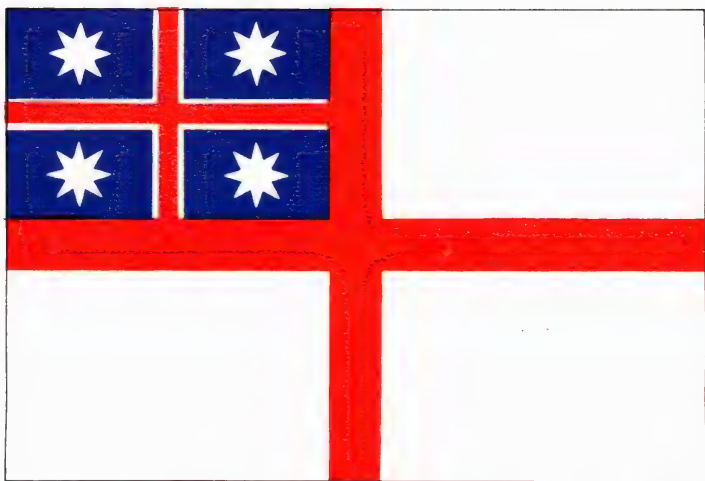


Fig. 1

Alexander Turnbull Library

An Admiralty letter to James Laurenson on 6 September 1937 enclosed the above reproduction of New Zealand's first flag, 'which has been copied from a plate in a Book of Flags, bearing the date 1845, in the Admiralty Library.' The letter continued: 'It has been ascertained that this design differs from that adopted in 1834 in that a narrow white fimbriation replaces the original broad black fimbriation. It is not known whether this change is due to a mistake of the draughtsman or official action. . . .'

Note the white fimbriation and eight-pointed stars



Fig. 2

A reproduction from the Rev. William Yate's book, *An Account of New Zealand*, published in 1835

Note the white fimbriation and six-pointed stars

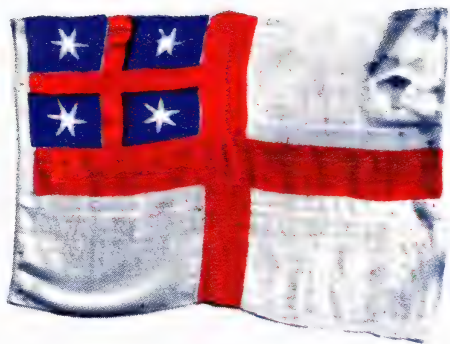


Fig. 3 *A. H. R. Gillespie, Dannevirke*

Colonel William Wakefield's flag,
now owned by Mr Gillespie.

Note the hand-made six-pointed stars
and the absence of fimbriation round
the smaller cross

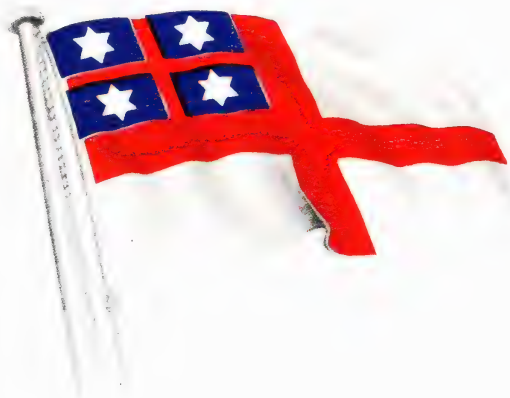


Fig. 4

The Shaw Savill flag

Shaw Savill and Albion Co. Ltd.



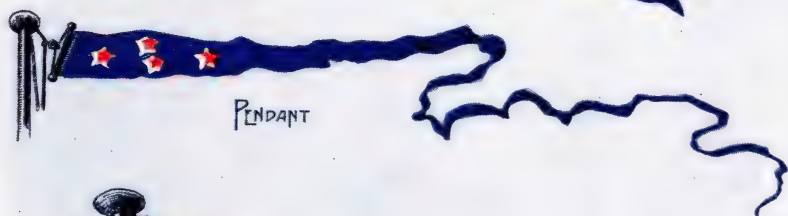
Fig. 5

National Archives

The 1867 flag, showing the letters
NZ in red on the blue ensign.

The above sketch was enclosed with a
dispatch from Sir George Grey to the
Secretary of State for the Colonies
on 27 April 1867

NEW ZEALAND FLAGS



Figs. 6-8

The 1869 ensign, pendant and jack

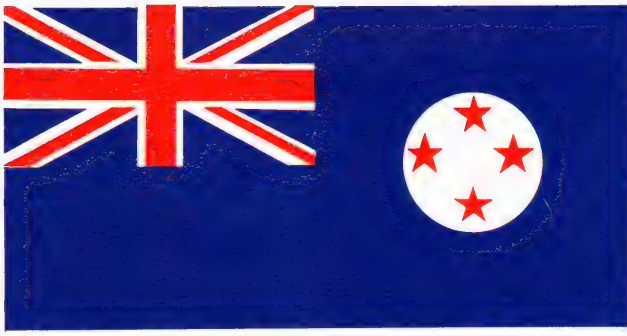


Fig. 9

The 1900 ensign with the white disc
This was a signal flag for use at sea

— NEW ZEALAND ENSIGN. —

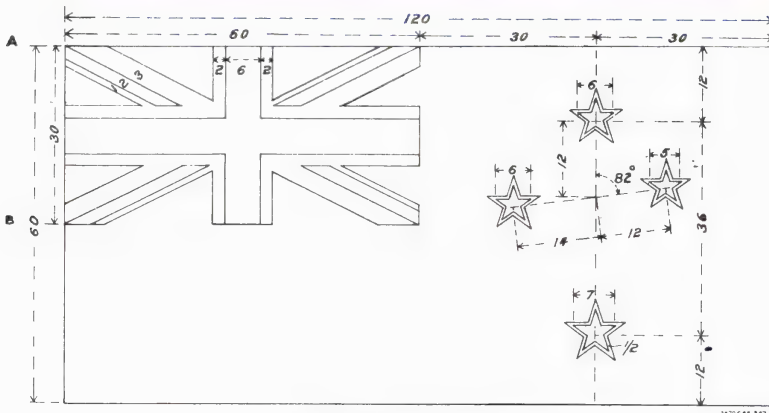
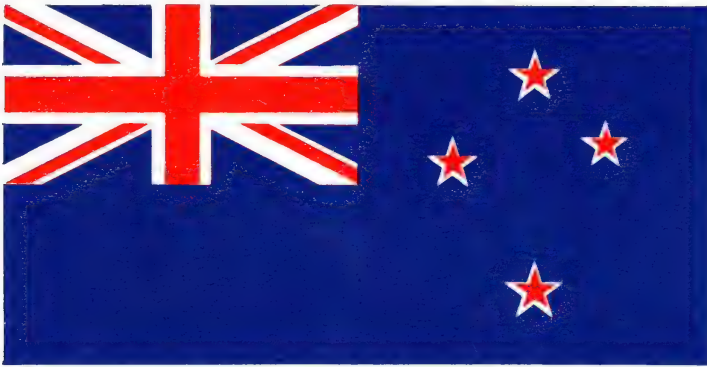


DIAGRAM SHOWING PROPORTIONS.

NOTE.—DISTANCE A-B DETERMINES SIZE OF ENSIGN. WHEN A-B=30, OTHER
DIMENSIONS ARE AS SHOWN.

Figs. 10-11

New Zealand Gazette

The New Zealand Ensign — a page from the *New Zealand Gazette* of
27 June 1902

The clauses of the Bill then followed.

Clause 4, in particular, was to prove contentious. On the surface it seemed worthy enough, its intention eminently dutiful; but it gave rise to a stubborn argument on constitutional principle between the Deputy Governor and the Prime Minister. The clause read:

'This Act shall be reserved for the signification of Her Majesty's pleasure thereon, and shall come into operation on a day to be fixed by the Governor by Proclamation in the *Gazette*: Provided that such Proclamation shall not be made unless it contains a statement that Her Majesty has been pleased to approve of this Act.'

The wording of this clause drew the fire of the Deputy Governor, Sir Robert Stout, Chief Justice of New Zealand and a former Prime Minister. Sir Robert was acting as Governor during a brief absence of the Earl of Ranfurly.

Sir Robert considered that the wording of this clause invaded the prerogative of the Governor: 'I doubt if the two Houses ought to put in a Bill that it should be reserved,' he wrote to the Prime Minister. 'It is for the Governor to express his opinion on the subject in accordance with the law.' In his view the clause did not comply with the form set down by the Secretary of State for the Colonies as long ago as 1884 for use in the case of Bills to be reserved for royal assent.

On 25 October 1900 Sir Robert forwarded these views, with the Bill, to the Secretary of State for the Colonies; but his original memorandum to the Prime Minister, quoted above, was 'inadvertently omitted' from the enclosures sent with this dispatch. 'The clause in its present form dictates to the Governor what he shall do,' he told the Secretary for the Colonies.

He had earlier written to the Prime Minister proposing an amendment, and had warned him that, if the amendment were not accepted, he would not be surprised if Her Majesty's assent to the Bill were refused. But the Prime Minister would not be moved: 'He has chosen to run that risk.'

For his part Mr Seddon considered that a constitutional principle was involved: 'whether Parliament had or had not the right to insert a reservation clause at all'. He felt 'that he could not for one moment admit' that the clause in the Bill 'was in any way an invasion of the Governor's prerogative'.

The Secretary of State for the Colonies, the Right Hon. J. Chamberlain, seems to have been satisfied with the wording of the clause. 'I prefer the form which was suggested in Lord Derby's circular despatch of the 20th June, 1884,' he wrote to the Earl of Ranfurly on 21 March 1901, 'but the form used in the present Bill appears to me sufficient for all practical purposes'.² In this dispatch

¹*Appendix to Journals, House of Representatives, 1901, Vol. I, A. 1, pp. 17-20.*

²*Ibid.*, Vol. I, A. 2A, pp. 1-2.

Mr Chamberlain conveyed the objections of the Lords Commissioners of the Admiralty to the proposed use of the blue ensign 'for all purposes', as stated in the preamble to the Bill. This would permit New Zealand merchant vessels, however small, to fly the blue ensign 'as a right', and in the Admiralty's view 'would doubtless lead to claims from the mercantile marine of this country and of other colonies to a similar privilege'.¹

The New Zealand Government agreed to meet these objections. It undertook to modify the Bill 'by providing that the ensign may be used for all purposes ashore, but shall not be worn by any vessel other than the vessels owned and used by the New Zealand Government, except in pursuance of a warrant from His Majesty' or the Admiralty'.

The Lords Commissioners of the Admiralty approved this amendment ('... my Lords have no objection to the ratification of the Act as modified thereby'), and on 14 September Mr Chamberlain advised the Earl of Ranfurly that he would defer submitting the Bill to His Majesty in Council pending the enactment of an amending measure. The New Zealand Ensign Act, 1900, acclaimed by the New Zealand Parliament almost exactly 12 months before, thus remains on the statute book,² 'in a state of suspended animation', as one member described it, as a Bill which did not receive royal assent.

The New Zealand Ensign Act, 1901

Its successor, the New Zealand Ensign Act, 1901, was introduced in the House on 21 October 1901 and passed on 5 November. The debate did not reach the heights of patriotic eloquence heard in the discussion of the earlier Bill. The Prime Minister was criticised by a few speakers for not amending the wording of the first Bill as suggested by Sir Robert Stout, and replied firmly that 'it was not for the Imperial authorities to attempt to force on Parliament the wording of any clause of a Bill'. Another speaker claimed that the Southern Cross on the ensign was wrongly shown ('according to his observations of the heavens') with four stars instead of five, as on the Australian flag; the Prime Minister admitted that 'the small fifth star ... was sometimes discernible', but added that it was not 'as a rule' placed on the flag.⁴

¹The correct flag for these ships was of course the red ensign; the blue ensign could not be flown without a special warrant from the Admiralty.

²King Edward VII had succeeded to the throne on 22 January 1901.

³*New Zealand Statutes*, 1900, p. 591.

⁴Why the Southern Cross on the Australian flag should be shown by five stars and on the New Zealand Ensign by four is a question frequently asked. The Australian flag includes a small five-pointed star (*Epsilon Crucis* – the fifth star of the cross) in the lower right half of the Southern Cross; the other four stars have seven points and are the same size. A large seven-pointed star directly below the Union Jack represents the six states of the Federation and the Commonwealth territories. All the stars on the Australian national flag are white. The New Zealand flag shows the four principal stars of the Southern Cross. The stars are red, with white borders, and all are five-pointed.

AT THE COURT AT ST. JAMES'S,

The 24th day of March, 1902.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD CHANCELLOR

LORD PRESIDENT

LORD SUFFIELD

MR. AKERS-DOUGLAS

SIR DIGGTON PROBYN

SIR JOHN CHARLES DAY.

WHEREAS by an Act passed in the Session held in the 15th and 16th years of Her late Majesty's Reign, entitled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is, amongst other things, declared that no Bill which shall be reserved for the signification of His Majesty's pleasure thereon, shall have any force or authority within the Colony of New Zealand, until the Governor of the said Colony shall signify either by speech or message to the Legislative Council and House of Representatives of the said Colony or by proclamation, that such Bill has been laid before His Majesty in Council, and that His Majesty has been pleased to assent to the same :

And whereas a certain Bill passed by the Legislative Council and House of Representatives of the said Colony, entitled "An Act to establish and define an Ensign for New Zealand," was presented to the Governor of the said Colony for His Majesty's assent :

And whereas the said Bill was reserved by the said Governor for the signification of His Majesty's pleasure thereon :

And whereas the said Bill so reserved as aforesaid has been laid before His Majesty in Council, and it is expedient that the said Bill should be assented to by His Majesty.

NOW, THEREFORE, His Majesty, in pursuance of the said Act, and in exercise of the power thereby reserved to His Majesty as aforesaid, doth by this present Order, by and with the advice of His Majesty's Privy Council, declare His assent to the said Bill.

A. W. FITZROY.

KING EDWARD VII DECLARES HIS ASSENT TO THE NEW ZEALAND ENSIGN
BILL, 1901

As a last step, the three offending words in the preamble to the earlier Bill, 'for all purposes', were amended to read 'for the purposes hereinafter mentioned'.

The New Zealand Ensign Act, 1901, was reserved 'for the signification of His Majesty's pleasure thereon'. This was given on 24 March 1902 (the order is reproduced on p. 19), and on 9 June His Excellency the Governor signed the proclamation notifying His Majesty's assent. This proclamation was published in the *New Zealand Gazette* on 12 June 1902.

The full text of the Act is as follows:

'An Act to establish and define an Ensign for New Zealand

[Reserved for the signification of His Majesty's pleasure thereon.]

'Whereas by Proclamation under the hand of His Excellency the Governor, dated the twenty-third day of October, one thousand eight hundred and sixty-nine, it was declared, in accordance with the Queen's Regulations made under the provisions of an Act of the Imperial Parliament intituled "The Colonial Defence Act, 1865," that the flag hereinafter described should have the distinctive seal or badge of the Colony of New Zealand for all vessels belonging to or permanently employed in the service of the colony: And whereas the said flag has since been in general use for the purpose aforesaid, and also as the recognised ensign of the colony: And whereas it is desirable that the same flag should be by law established as the ensign of the colony for the purposes hereinafter mentioned:

'Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

'1. The Short Title of this Act is "The New Zealand Ensign Act, 1901."

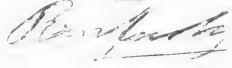
'2. The New Zealand Ensign shall be the blue ensign of the Royal Naval Reserve,' having on the fly thereof the Southern Cross as represented by four five-pointed red stars with white borders.

'3. The said ensign shall be the recognised flag of the colony for general use on shore within the colony and on all vessels belonging to the Government of New Zealand or which are from time to time permitted under an Admiralty warrant to use the same.

'4. Every person who defaces the New Zealand Ensign by placing any sign, representation, or letter thereon shall be liable to a penalty not exceeding five pounds.'

¹'It ought to have been pointed out in my previous despatches on the subject that the Flag should be described as "the Blue Ensign of His Majesty's fleet"', and not as the Blue Ensign of the Royal Naval Reserve. . . . — Right Hon. J. Chamberlain to the Earl of Ranfurly, 1 April 1902. No change was made in the wording of this Act, or in that of the Shipping and Seamen Acts which succeeded it.

"The New Zealand Ensign Act, 1901." assented to by His Majesty in Council.



Governor.

A PROCLAMATION.

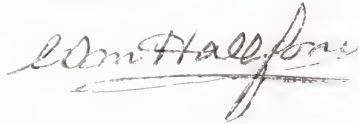
WHEREAS by an Act passed in the session of Parliament held in the fifteenth and sixteenth years of the reign of Her late Majesty Queen Victoria, entitled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is, amongst other things, enacted that no Bill which shall be reserved for the signification of the Sovereign's pleasure thereon shall have any force or authority within the Colony of New Zealand until the Governor of the said colony shall signify, by speech or message to the Legislative Council and House of Representatives of the said colony, or by Proclamation, that such Bill has been laid before the Sovereign in Council, and that the Sovereign has been pleased to assent to the same:

And whereas a certain Bill passed by the Legislative Council and House of Representatives of the said colony, entitled "An Act to establish and define an Ensign for New Zealand" (the Short Title whereof is "The New Zealand Ensign Act, 1901"), was presented to the Governor of the said colony for His Majesty's assent, and the said Bill was reserved for the signification of His Majesty's pleasure thereon:

Now, therefore, I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, in pursuance of the provisions of the said in-part-recited Act, do by this Proclamation signify and proclaim to all whom it may concern that the said Bill has been laid before His Majesty in Council, and that His Majesty has been pleased to assent to the same.

Given under the hand of His Excellency the Right Honourable Uchter John Mark, Earl of Ranfurly; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over His Majesty's Colony of New Zealand and its Dependencies; and issued under the Seal of the said Colony, at the Government House, at Wellington, this ~~fourth~~ ^{fourth} day of June, in the year of our Lord one thousand nine hundred and two.

GOD SAVE THE KING!



THE EARL OF RANFURLY'S PROCLAMATION NOTIFYING HIS MAJESTY'S ASSENT

A description of the flag was published in the *New Zealand Gazette* of 27 June 1902 (reproduced on p. 23). This notice, signed by the Minister of Marine, described in minute detail the sizes of the stars and their exact positions on the flag.¹ The sizes of the red parts of the stars from point to point are expressed in sixtieths of the measurement of the hoist and their white edges as $\frac{1}{120}$ of the hoist. Only two of the stars – those nearest the Union Jack – are the same size,

¹ 'In this connection it may be mentioned that while the 1900 and 1901 Acts were apparently intended merely to extend the use of the New Zealand flag (gazetted in 1869 exclusively for maritime use) for general occasions ashore, the *Gazette* notice of 1902, in effect, proclaimed a redesigned flag. Alteration was made in the size and position of the stars, which, instead of being made uniform size and crowded into the space on the Blue Ensign permitted by the Admiralty instructions, were now expanded and extended beyond the area on the fly formerly permitted.' – *An Encyclopaedia of New Zealand* (printing), edited by Dr A. H. McLintock, article by B. J. Foster on 'Flags'.

the others being $\frac{1}{60}$ of the hoist larger and smaller respectively, with the largest star at the foot of the cross. A lithograph drawing of the ensign and a diagram showing its proportions were also published on the same day. These are reproduced facing p. 17 (figs. 10 and 11).

In 1903 the white disc was removed from the fly of the red ensign and four five-pointed white stars, 'without any defacement or modification', substituted. Authority for this change was given by the Shipping and Seamen Act, 1903, which declared the red ensign with the Southern Cross 'to be the proper colours for all merchant ships registered in New Zealand.'¹

In September 1907 New Zealand became a dominion. Minor changes in the wording of the New Zealand Ensign Act, 1901, were made necessary by this change in status, and these were given effect to in the Shipping and Seamen Act, 1908. This Act repeated the three main clauses of the New Zealand Ensign Act of 1901 and also incorporated the section of the 1903 Shipping and Seamen Act relating to the red ensign.

The 1908 Act was in turn replaced by the Shipping and Seamen Act, 1952, which is at present in force. Section 5 of this Act reads:²

NATIONAL FLAGS

'5. (1) The New Zealand Ensign shall be the blue ensign of the Royal Naval Reserve, having on the fly thereof the Southern Cross as represented by four five-pointed red stars with white borders.

(2) The New Zealand Ensign is hereby declared to be—

(a) The recognized flag of New Zealand for general use on shore within New Zealand; and

(b) The proper national colours to be worn by all New Zealand Government ships and by such other New Zealand ships as may for the time being be authorized to wear the New Zealand Ensign by or pursuant to regulations made under this section.

(3) . . . regulations may be made . . . prescribing the circumstances in which . . . New Zealand ships, other than New Zealand Government ships, are or may be authorized to wear the New Zealand Ensign. . . .

(4) Every person who defaces the New Zealand Ensign by placing any sign, representation, or letter thereon commits an offence against this Act.'³

¹The Shipping and Seamen Act, 1903, Part XIV, section 341.

²*New Zealand Statutes*, 1952, Vol. I, pp. 331–2.

³An amendment to this Act in 1963 allowed ships owned by Harbour Boards to wear a flag incorporating the New Zealand Ensign.

Description of New Zealand Ensign.

Marine Department,
Wellington, 24th June, 1902.

THE following sections of "The New Zealand Ensign Act, 1901," are published for general information:—

"2. The New Zealand ensign shall be the blue ensign of the Royal Naval Reserve, having on the fly thereof the Southern Cross as represented by four five-pointed red stars with white borders.

"3. The said ensign shall be the recognised flag of the colony for general use on shore within the colony, and on all vessels belonging to the Government of New Zealand, or which are from time to time permitted under an Admiralty warrant to use the same.

"4. Every person who defaces the New Zealand ensign by placing any sign, representation, or letter thereon shall be liable to a penalty not exceeding five pounds."

The following is a description of the stars referred to, and their positions on the flag:—

The centres of the stars forming the long limb of the cross shall be on a vertical line on the fly, midway between the Union Jack and the outer edge of the fly, and equidistant from its upper and lower edges; and the distance apart of the centres of the stars shall be equal to thirty-six sixtieths the hoist of the ensign.

The centres of the stars forming the short limb of the cross shall be on a line intersecting the vertical limb at an angle of 82° therewith, and rising from near the lower fly corner of the Union Jack towards the upper fly corner of the ensign, its point of intersection with the vertical line being distant from the centre of the uppermost star of the cross twelve-sixtieths of the hoist of the ensign. The distance of the centre of the star nearest the outer edge of the fly from the point of intersection shall be equal to twelve-sixtieths of the hoist of the ensign, and the distance of the centre of the star nearest the Union Jack from the point of intersection shall be equal to fourteen-sixtieths of the hoist of the ensign.

The star nearest the fly edge of the ensign shall measure five-sixtieths, the star at the top of the cross and that nearest to the Union Jack shall each measure six-sixtieths, and the star at the bottom of the cross shall measure seven-sixtieths of the hoist of the ensign across their respective red points, and the width of the white borders to the several stars shall in all cases be equal to one one-hundred-and-twentieth of the hoist of the ensign.

A drawing of the said ensign, in accordance with the above description, is deposited in the office of the Marine Department, at Wellington, and marked M.D. 2534, and a copy of such drawing is published herewith.

WM. HALL-JONES.



By statute, by tradition, and from long usage the blue ensign with the Southern Cross is our national flag. It may be flown on land by every New Zealand citizen; it should be used at all times on shore in preference to all other flags, including the Union Jack, which is now generally accepted to be the national flag of the United Kingdom.¹ Every British citizen has the right to fly the Union Jack on land,² but in New Zealand our own flag should be given pride of place when more than one flag is flown.

In the New Zealand Ensign the Union Jack has the place of honour in the upper quarter nearest the masthead, and its position is a reminder of New Zealand's bond within the Commonwealth. The emblems of the peoples of England, Scotland, and Ireland – the crosses of their patron saints, St. George, St. Andrew, and St. Patrick – are combined in the Union Jack, which in its present form dates from 1801. The Union Jack in our flag reminds us of the traditions we have inherited; the Southern Cross, the traditional mariner's guide in the southern hemisphere, symbolises the beauty and promise of a new land.

The colours of the flag also have a history. Originally the three ensigns, red, white, and blue, were used in the Royal Navy to distinguish the van, rear, and centre squadrons of the fleet, but in 1864 the distinction was discontinued and the white ensign became the Navy's flag for all British ships of war.³

The red ensign with the Southern Cross on the fly is sometimes incorrectly flown, both in New Zealand and overseas, in the belief that it is our national ensign. Even in the United Kingdom, where dominion flags were widely flown during the Festival of Britain, the red ensign of New Zealand's merchant marine was displayed more often than the blue.⁴ The blue ensign is the correct New Zealand flag to fly on all buildings; the red ensign is the merchant shipping flag and it is incorrect (though not illegal) to fly it on land.⁵

¹ In contrast with its former status as the national flag of the British Empire.

² As stated in 1908 in the House of Lords by the Earl of Crewe, Secretary of State for the Colonies, and subsequently reaffirmed on several occasions.

³ A special exception was made in the case of vessels owned by members of the Royal Yacht Squadron, who were permitted to fly the white ensign provided they had an Admiralty warrant to do so and were actually on board the vessel.

⁴ This was in accordance with an incorrect ruling by the Ministry of Works that the red ensign was the correct flag for buildings other than Government buildings.

⁵ This of course does not apply to the use of the red ensign by Maori tribes, among whom it is a widespread custom to fly this flag at tribal gatherings. Although no authority has been traced, it is believed that permission to fly the red ensign was given to various tribes by Queen Victoria, and that the ensign was first presented by the Government to a number of Maori chiefs in recognition of their services to the Queen during the Maori wars.

FLYING THE NEW ZEALAND ENSIGN

The etiquette for flying the New Zealand Ensign has been established over the years by custom and tradition rather than by legislation. The following rules have been prepared for the guidance of all who may wish to fly the flag. If further information is required, the inquiry should be addressed to the Department of Internal Affairs.

The New Zealand Ensign may be flown on land by every New Zealand citizen. It is made in three standard sizes:

12 ft x 6 ft	Ceremonial use only.
9 ft x 4 ft 6 in.	Normal size for general use.
6 ft x 3 ft	Storm flag.

In all cases the length of the flag should be twice its breadth. Its colour is royal blue, not navy blue.¹

Displaying the Flag

The New Zealand Ensign should be displayed as follows:

- (a) *On a Staff.* The flag should be hoisted to the peak of the staff, with the Union quarter uppermost. When carried the flag should be held aloft and free.
- (b) *On a Halyard.* The Union quarter should be uppermost, hoisted as closely as possible to the block, with the halyard taut.
- (c) *Against a Wall.* The Union quarter should be in the upper left-hand corner as viewed by a person looking towards the wall.
- (d) *In a Window.* The Union quarter should be in the upper left-hand corner as seen by an observer in the street.
- (e) *Suspended Vertically Above a Street.* The Union quarter should be uppermost and to the left of an observer where possible. On a street running west to east the Union quarter should be to the north; on a street running north to south the Union quarter should be to the east, i.e., on the left of an observer facing east or south respectively.
- (f) *On a Speaker's Platform.* When flown from a staff, the flag should be placed on the speaker's right as he faces the audience. When displayed against a wall, the flag should be above and behind the speaker, with the Union quarter uppermost and to the left as seen by the audience.
- (g) *Crossed Flags.* When two flags on staffs are crossed, the New Zealand Ensign should be on the right (the observer's left) with its staff over that of the other flag.
- (h) *When used to cover a casket* at funerals the Union quarter should be placed at the head of the casket over the left shoulder of the deceased. The flag should be secured at its four corners and removed before the casket is lowered into the ground.

¹The latter colour has sometimes been used in error by flag makers.

Position of Honour

When the New Zealand Ensign is displayed with the flags of other nations, each flag should be flown from a separate mast. The masts should be of equal height and all flags of the same size, if possible.¹ International usage forbids the display of one nation's flag above that of another nation.

If both the Union Jack and the New Zealand Ensign are flown from the same building, the New Zealand Ensign should occupy the senior position to the right of the Union Jack, i.e., on the observer's left. When flown with other flags, the New Zealand Ensign should occupy the senior position on the right.² As a general guide, the order of precedence, right to left, of a row of flags flown from poles of equal height on any building would be: New Zealand Ensign, Union Jack, other Commonwealth flags (in alphabetical order), foreign flags (in alphabetical order), house flags. The New Zealand Ensign would be on the observer's extreme left.³

If foreign flags only are flown, they should be ranged from right to left in alphabetical order.

When flags are flown in a semi-circle the New Zealand Ensign should be given the place of honour in the centre.

When carried in a procession with other flags the New Zealand Ensign should be given the place of honour at the head of the column. If two flags are carried side by side, the place of honour is on the right of the column.

Diplomatic Posts

New Zealand's diplomatic posts overseas usually fly the New Zealand Ensign between the hours of 8 a.m. and sunset each day. The flag is also flown at the residence of the Head of the Mission.

As a general rule, flags should be flown on the Chancery buildings of overseas posts on the same days as they are flown on Government buildings in New Zealand, i.e., on the days listed on p. 29.

Defacing the Flag

Any person who defaces the New Zealand Ensign by placing on it any sign, representation, or letter commits an offence.⁴

¹When the masts are of different height, the New Zealand Ensign should occupy the senior position on the highest of them (usually the centre mast).

²An exception is made when flags are flown from a royal or vice-regal dais. On these occasions the flag of the guest of honour (e.g., the Sovereign's personal flag in New Zealand, the personal standard of any member of the Royal Family, or the Governor-General's flag) takes precedence over the New Zealand Ensign.

³Unless all flags are raised and lowered simultaneously, the senior flag should be hoisted first and lowered last.

⁴New Zealand Shipping and Seamen Act, 1952, section 5 (4).

Use of the Flag for Advertising Purposes

The flag should not be used for advertising purposes.

The use of a trade mark which contains a representation of the flag of any Commonwealth country, or of the coat of arms or any insignia of New Zealand, is prohibited unless the authority of Her Majesty the Queen or of the Governor-General has first been obtained.¹

Prohibitions

Apart from their specifically approved uses, it is not permissible to fly the following flags in New Zealand:

The Royal Standard.

The Sovereign's personal flag in New Zealand.

The Standard of any member of the Royal Family.

The Governor-General's flag.

The New Zealand Naval Board flag.

The white ensign or any of the Service ensigns.

The New Zealand Civil Air ensign.

The New Zealand Police flag.

Any flag, colour, or guidon granted by royal warrant exclusively to individuals or constituted bodies.

General

The New Zealand Ensign is our national flag and care should be taken to treat it with respect. It should always be displayed as a flag and not used as a means of decoration; it should not be allowed to touch the ground; it should not be used as a draping or as a table covering.

The flag should never be flown in a position inferior to that of any other national flag or ensign.

All ships of the Royal New Zealand Navy fly the white ensign when in commission. When at anchor, secured to a buoy, moored, or secured to a jetty or wharf, they fly the New Zealand Ensign at the jack-staff in addition to the white ensign.

Military vessels and boats fly the New Zealand Ensign.

Distress Signal

A flag flown upside-down is a recognised signal of distress.

¹ Trade Marks Act, 1953, section 21. This section also prohibits the use, without authority, of 'anything so clearly resembling any of these representations as to be likely to deceive.' – *New Zealand Statutes*, 1953, Vol. I, p. 598. Application for permission to reproduce the New Zealand Ensign on any document, letterhead, package, souvenir, etc., should be addressed to the Department of Internal Affairs.

Hours Flown

It is customary to fly the flag from 8 a.m. until sunset. The breaking of the flag at the masthead is regarded as a symbol of hope for the future; the lowering of the flag at dusk is a symbol of respect for the past. The flag should be hoisted briskly and lowered more slowly.

The flag is not lowered because of climatic conditions.

Disposal of the Flag

When a flag becomes dilapidated and is no longer in a suitable condition to be used, it should be destroyed by burning.

Flags Flown at Half-mast

Flags are flown at half-mast as a sign of mourning. The flag is first hoisted to the masthead and then lowered slowly to the half-mast position. It should again be hoisted to the peak before being hauled down.

At half-mast the top of the flag should be approximately one-third of the length of the mast from the peak. Its exact position will depend on the length of the flagstaff and the size of the flag, but it should be recognisably at half-mast. In this position the flag should never be less than its own depth from the top of the mast.

On occasions when the New Zealand Ensign is flown at half-mast, other flags should not fly superior to it; for preference, they should be lowered completely.

DAYS ON WHICH FLAGS ARE FLOWN FROM GOVERNMENT BUILDINGS

Government buildings in New Zealand fly the New Zealand Ensign on a number of fixed occasions during the year. The flag is flown from these buildings only on the days listed, as it has been found that the significance of an occasion is lost if flags are displayed too frequently. The days on which the New Zealand Ensign is flown are:

6 February*	..	Waitangi Day
17 March	..	St. Patrick's Day
21 April ..	..	Birthday of Her Majesty the Queen
23 April ..	..	St. George's Day
25 April ..	..	Anzac Day
8 May ..	..	V.E. Day (Victory in Europe)
24 May ..	..	Commonwealth Day
2 June ..	..	Coronation Day
1st Monday in June		Sovereign's Birthday (day of official observance)
10 June ..	..	Birthday of the Duke of Edinburgh
4 August	..	Birthday of Her Majesty Queen Elizabeth the Queen Mother
15 August	..	V.J. Day (Victory over Japan)
26 September	..	Dominion Day
24 October	..	United Nations' Day
4th Monday in October		Labour Day
11 November†	..	Remembrance Day
14 November	..	Birthday of Prince Charles, Prince of Wales
30 November	..	St. Andrew's Day

*This day also commemorates Her Majesty's accession to the throne.

†The flag flies at the masthead all day, but at 11 a.m. it is lowered to half-mast for two minutes.

Government buildings also fly the New Zealand Ensign on the anniversary day of the province in which the offices are situated. In Wellington Government buildings fly the ensign on the day on which the Governor-General opens Parliament, and for the arrival and swearing-in of a Governor-General designate.¹

¹On State occasions, such as the opening of Parliament, the Union Jack is flown in conjunction with the New Zealand Ensign and the personal flag of the Governor-General.

Government offices outside Wellington also fly the New Zealand Ensign to mark local occasions such as the visit of a Governor-General, when flags would normally be flown on private buildings.¹

Whenever any of the dates listed on p. 29 falls on a Sunday, the flags are flown on the following Monday. This does not apply to Anzac Day and Remembrance Day, when flags are flown on the actual date.

The flags are flown from 8 a.m. till sunset.

¹ Flags are also flown from Government buildings on the departure from New Zealand of a Governor-General. They are usually flown at the port of departure only.

OCCASIONS ON WHICH FLAGS ARE FLOWN AT HALF-MAST

The New Zealand Ensign is flown at half-mast on Government buildings on the following occasions:

- (a) On the death of the Sovereign. On the day of death (or on the day on which intelligence of the death is received) until after the funeral.
- (b) On the death of a member of the Royal Family. On the actual day of the funeral, subject to any special commands from the Sovereign.
- (c) On the death of the head of a foreign state. On the day of death, or as directed by special instructions.
- (d) On the death of the Prime Minister of New Zealand or of a former Prime Minister. On the day of death and the day of the funeral.
- (e) On the death of Ministers of the Crown and members of the House of Representatives. On the day of the funeral only.
- (f) On the death of a Commonwealth Prime Minister in office. On the day of death, or as directed by special instructions.
- (g) On the death of a Permanent Head of a Government Department. On the day of the funeral only.
- (h) On Remembrance Day. Flags to be flown all day but lowered to half-mast for two minutes at 11 a.m.

The exact dates and periods on which flags are to be flown at half-mast are usually subject to direction by the Sovereign, the Governor-General, or the Prime Minister.

If any day to be honoured by the flying of the New Zealand Ensign at the masthead (e.g., Coronation Day) should coincide with a day on which the flag should be flown at half-mast, as listed above, the flag should be flown from the masthead. This ruling is subject to any special commands in any specific case, such as an instruction to the effect that flags be lowered to half-mast for the duration of the funeral.

Any inquiries regarding the above should be directed in the first instance to the Department of Internal Affairs.

